

Remarks

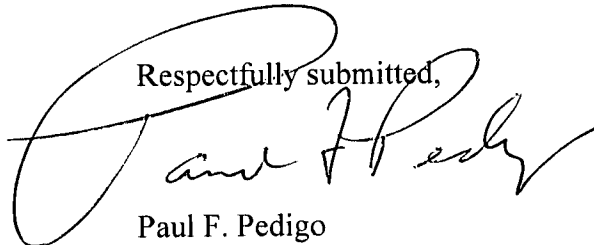
Claims 46 and 48 through 52, 55 through 57, and 61 through 62 are currently pending. Claims 1 through 45 and 53 have previously been cancelled; Claims 47 and 54 have been cancelled by this amendment; Claim 63 has been withdrawn by this amendment.

All of pending Claims 46 and 48 through 52, 55 through 57, and 61 through 62 have been rejected as unpatentable based on a single reference, which is entitled *Evaluation of the Fuzzy Filter for the Filtration of Secondary Effluent* by Onder Caliskaner and George Tchobanoglous, dated September 1996 and published by the Department of Civil and Environmental Engineering at the University of California in Davis (the "Caliskaner paper"). Claim 57 has been amended.

Submitted herewith is the Declaration of William F. Foreman, III, P.E., Under Rule 132, which demonstrates that the Caliskaner paper is a publication of the Applicant's own invention as set forth in the currently pending Claims 46 and 48 through 52, 55 through 57, and 61 through 62. Mr. Foreman's Declaration sets forth that Schreiber Corporation, the owner of the present application, employed the inventor, Mr. William Frederick Dew, Jr, and that Mr. Foreman supervised Mr. Dew in the development of the invention. Mr. Foreman's Declaration also sets forth that Schreiber built the apparatus described in the Caliskaner paper in accordance with Mr. Dew's invention and provided it in confidence to the University of California at Davis for evaluation. It was this evaluation that resulted in the Caliskaner paper. The Caliskaner paper itself sets forth in the Introduction at pages 1-1 through 1-2 that the apparatus that is described therein and is the subject of the evaluation reported therein for compliance with statutory wastewater reclamation provisions was provided by Schreiber. Applicant's provisional application, from which the present application claims priority, included copies of Chapters 3 through 6 and Appendix A, Filter Run Data, from the Caliskaner paper as support for the invention. In view of the facts set forth in the attached Declaration and the representations made in the Caliskaner paper, it is respectfully submitted that the rejection of the pending claims based on the Caliskaner paper has been overcome and an indication of the allowability of all of pending Claims 46 and 48 through 52, 55 through 57, and 61 through 62 is earnestly solicited.

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The Applicant is unaware of any fees due for this Response and Amendment. If the Examiner determines, however, that additional fees are required or if any credits are due, the Examiner is hereby authorized to charge or credit Deposit Account No. 50-0332 as appropriate.

Respectfully submitted,

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